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John Philip Griffiths

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JOHN PHILIP GRIFFITS

99A TALLAI RD.

TALLAI, 4213

AUSTRALIA

EXAMINER

WANG, JACK K

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,833	<b>Applicant(s)</b> GRIFFITS ET AL.	
	<b>Examiner</b> JACK WANG	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 227-268 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 227-268 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____        |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Pro Se and Amendment format in PDF files.</u> |



## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because
  - i. they include the following reference character(s) not mentioned in the description:  
numeral 15, Fig. 1, numeral 3a in Fig. 2, numeral 87 in Fig. 6, numeral 102, 104, and 113 in Fig. 7, numeral 121 in Fig. 8, numeral 184 in Fig. 9, numeral 152, 153, 157, and 161 in Fig. 10, numeral 207 in Fig. 12.
  - ii. they do not include the following reference sign(s) mentioned in the description: Pivot Means (121a) (Page 25 line 52), Alcohol (163b) (Page 29 line 40), and bottle 205 (Page 31, line 39).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "208" has been used to designate both Green Area (Fig. 8) and Bottle (Fig.

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8). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Therefore, the abstract of the disclosure is objected to because separate sheet without drawing is required. See MPEP § 608.01(b).

### *Claim Objections*

4. Claims 257-258, 260-261, 264-265, and 268 are objected to because of the following informalities: improper use of definite and indefinite articles. For the dependent claims definite articles should be used such as --The-- instead of "A" or "An". Appropriate correction is

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required.

5. Claim 229 is objected to because of the following informalities: typographical error. The sentence ".....wherein the the plural container...." has been interpreted as --....wherein the plural container....--. Appropriate correction is required.

6. Claim 256 is objected to because of the following informalities: typographical error. The claim currently reads as ".....the system electronically facilitates one at lest of beverage container....." should be replaced as --.....the system electronically facilitates at least one of beverage container.....--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 227-255 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed limitation of "a first signal and/or second output signal, which is electronically switchable between an inactive state and at least one active state" was not disclosed in the original specification.

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9. Claim 245 rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Electrically operable barrier is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

10. Claim 250 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed limitation of "first output signal and second output signal includes color content related information" was not disclosed in the original specification.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 227, 231, 234 , 237-239, 243, 245-248, 250, 251-252, 254, 256 , 259, 262, and 266-267 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 227, 231, 234, 237-239, 243, 245-248, 250, 251-252, 254, 256, 259, 262, and 266-267 the phrase "preferably" and "preferentially" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 227-228, 230-240, 242-244, 246-259, 261-262, and 267 are rejected under 35 U.S.C. 102(e) as being anticipated by Kirshenbaum et al. (Pub # US 200/0148117 A1).

Consider claim 227, Kirshenbaum et al. clearly show and discloses an electrically operable system for use with plural containers of alcoholic beverage said container preferably a bottle (203, Fig. 2), the system comprising: a) at least first and second storage locations each arranged to store at least one said container (Fig. 2); and b) a first output signal (407, Fig. 4) user associable with the first storage location (403, Fig. 4), said first output signal (407, Fig. 4) facilitating user interaction with the first storage location (403, Fig. 4) and said first output signal (407, Fig. 4) electronically switchable (inherent feature within control panel) (115, Fig. 1) between an inactive state and at least one active state; and c) a second output signal (407, Fig. 4) user associable with the second storage location (403, Fig. 4), said second output signal (407, Fig. 4) facilitating user interaction with the second storage location (403, Fig. 4) and said second output signal (407, Fig. 4) electronically switchable (inherent feature within control panel) (115, fig. 1) between an inactive state and at least one active state; and d) computer accessible memory (113, Fig. 1A) arranged to store information pertaining to at least one beverage container and or



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beverage container contents, the stored information preferably usable by a computer in facilitating automated operation of one at least output signals [0038]; the system further arranged for activating and or inactivating the first output signal, and or second output signal concurrently [0037].

Consider claim 228, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein the plural containers of alcoholic beverage comprise bottles of wine (203, Fig. 2) and said storage locations are arranged as a wine cellar (201, Fig. 2).

Consider claim 230, Kirshenbaum et al. clearly show and discloses the electrically operable system further arranged to be responsive to voice (speech recognition) [0043] .

Consider claim 231, Kirshenbaum et al. clearly show and discloses the electrically operable system further arranged to access a real time clock [0036 lines 5-11].

Consider claim 232, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein the computer accessible memory (113, Fig. 1A) is further arranged to store information facilitating electronic addressing of at least one of: an electrically operable indicator (display) (111, Fig. 1A) switchable to provide an output signal, storage location vacancy determination device, storage location access restriction device, storage location electronic thermometer, or storage location temperature control [0031].

Consider claim 233, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein the computer accessible memory (113, Fig. 1A) is further arranged to stored information pertaining to at least one of: storage location output signal status, number of containers present in a storage location, storage location access restriction device status, time of placement of a container in a storage location, time of removal of the container from a storage

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location, bar code of a container stored in a storage location, electronic ID of a device attached to a container stored in a storage location, rotation about long axis of container stored in a storage location, parameter of a container stored in a storage location, parameter of the contents of a container stored in a storage location, the ID of a user interacting with a storage location, the weight of a container stored in a storage location [00031].

Consider claim 234, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein the first and or second output signals comprise a visible signal (display) (111, Fig. 1A).

Consider claim 235, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein the activated output signal comprises visible light: i) emitted from the associated storage location and or ii) arranged to illuminate part at least of the opening of and or area surrounding the opening of the associated storage location preferentially to the opening and or area surrounding the opening of at least one other storage location [0031 lines 1-5].

Consider claim 236, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein the user interaction associated with the first and or second activated output signal comprises selection of a container for removal from the storage location associated with said output signal [0042 lines 4-10].

Consider claim 237, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein the containers of alcoholic beverage comprise bottles of wine (203, Fig. 2) and the user interaction (control panel) (115, Fig. 1) associated with the first output signal comprises one at least of: identifying the first storage location as a destination to place a bottle of wine (203, Fig. 2), identification of the first storage location as storing a bottle of wine due for

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rotation of the bottle around its long axis, identifying the first storage location as populated with a bottle of wine for removal from said location and transfer to the second storage location, identifying the first storage location as a destination for a bottle of wine for transfer from the second storage location [0042 lines 1-10].

Consider claim 238, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein the first and second output signal are activated and the storage locations associated with the first and second concurrently activated output signal: store and or are a target for storage of a bottle of wine with a shared characteristic [0042 lines 12-21].

Consider claim 239, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein activation of an output signal associated with the first and or second storage location is a response to the electronic identification (1005, Fig. 10) of a container of alcoholic beverage (1003, Fig. 10) for storage in the first and or second storage location.

Consider claim 240, Kirshenbaum et al. clearly show and discloses the electrically operable system, wherein the first and second storage locations are arranged to store only one bottle of wine (203, Fig. 2) each (inherent within Fig. 2).

Consider claim 242, Kirshenbaum et al. clearly show and discloses the electrically operable system further comprising one at least of: stored container localization means, no bottle found means, parameter modification means, plural resolution means, container receptacle cleanup means, error reporting means, and or section indicator means [0045].

Consider claim 243, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein the first and or second output signal comprises a first active state at a first time and a second active state at a second time, said first and second states distinctive to

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each other, wherein said distinction is preferably by at least one of color, color combination, intensity or pulsing [0046 lines 14-19].

Consider claim 244, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein: the first state is directed to a first person and or associated with a first function, and or the second state is directed to a second person and or a second function [0046 lines 14-19].

Consider claims 246 and 247, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein: the first output signal and second output signal are provided by an electrically controlled visible indicator (111, Fig. 1A) that is electrically illuminable (LCD); and said indicator is associated by way of attachment to the first container; and said indicator are electronically addressable at a first address, and said indicator is wired to a power source; and wherein: the container, indicator and power source (110, Fig. 1A) comprise a portable unit (101, Fig. 1) and said first and second indicators are for use in a shared environment whereby said first indicator is controlled by use of said first address and said second indicator is controlled by use of said second address (inherent within control panel) (105, Fig. 1).

Consider claim 248, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein said first and second indicator (111, Fig. 4) are controlled by a wireless signal (407, Fig. 4) sent from a computer (405, Fig. 4).

Consider claim 249, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein the first and or second container are further attached to electrically readable content (memory) (113, Fig. 1A) transferable to a computer by wire and or wireless.

Consider claims 250-252, Kirshenbaum et al. clearly show and discloses The electrically

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operable system wherein: the first active output signal includes color content related information of a first color and the second active output signal includes color content related information of a second color distinct to the first color comprises part of said first storage location, and said first container is proximal to a first colored area preferentially to a second colored area, and said second container is proximal to the second colored area, wherein the first color is for comparison with the color of the first colored area and said association of the first output signal with the first container comprises the first color visually resembling the color of the first colored area more closely than the second color resembles the first colored area, and the second color is comprises a part of second container for comparison with the color of the second colored area and said association of the second output signal with the second container comprises the second color visually resembling the color of the second colored area more closely than the first color resembles the second colored area, wherein said device comprises a multicolored electrically illuminable device selectively operable to output at least two distinct colors [0046].

Consider claim 253, Kirshenbaum et al. clearly show and discloses The electrically operable system further comprising a first electrically operable container ID reader (1011, Fig. 10) arranged to read identifying information from a first container (1003, Fig. 10) stored in the first storage area and or a second electrically operable container ID reader (1011, Fig. 10) arranged to read identifying information from a second container (1003, Fig. 10) stored in the second storage area wherein: the information read by the first ID reader facilitates activation and or inactivation of the first output signal, and or the information read by the second ID reader facilitates activation and or inactivation of the second output signal, and preferably wherein the reader for reading the first container identifying information is distinct to the reader for reading

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the second container identifying information.

Consider claim 254, Kirshenbaum et al. clearly show and discloses the electrically operable system wherein: the identifying information is obtained from an electrically operable device (RFID tag) (1005, Fig. 10) attached to the container (1003, Fig. 10), and said attached device stores identifying content, and the attached device includes an RFID transponder and or a device that transfers power and data over a single electrical conductor.

Consider claim 255, Kirshenbaum et al. clearly show and discloses the electrically operable system further comprising at least one bottle (1003, Fig. 10) of alcoholic beverage for storage by the system wherein an electronically operable ID device (RFID tag) (1005, Fig. 10) is attached to said bottle (1003, Fig. 10) and said ID device (RFID tag) (1005, Fig. 10) is readable by the system (RFID reader) (1011, Fig. 10).

Consider claim 256, Kirshenbaum et al. clearly show and discloses an electrically operable system for storing a plurality of beverage containers, wherein the system electronically facilitates at least one of beverage container placement to, rearrangement within, and or selection for retrieval from the system, the system further comprising at least first and second beverage container storage locations (203, Fig. 2), and a first electrically operable container ID reader (1005, Fig. 10) is associable with the first beverage container storage location and the first reader (1011, Fig. 10) is for reading identifying information from a beverage container stored in the first beverage container storage location, and a second electrically operable container ID reader (1005, Fig. 10) is associable with the second beverage container storage location and the second reader (1011, Fig. 10) is for reading identifying information from a beverage container stored in the second beverage container storage location, and wherein the first beverage container storage

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location is arranged to store a single beverage container and the second beverage container storage location is arranged to store a single beverage container.

Consider claim 257, Kirshenbaum et al. clearly show and discloses the electrically operable system for storing a plurality of beverage containers wherein the beverage containers comprise bottles of wine (203, Fig. 2) and the container storage locations comprise a wine cellar arrangement (201, Fig. 2).

Consider claim 258, Kirshenbaum et al. clearly show and discloses the electrically operable system for storing a plurality of beverage containers wherein the system further comprises a first electrically illuminable indicator (display) (111, Fig. 2) associated with the first beverage container storage (203, Fig. 2) location and a second electrically illuminable indicator (display) (111, Fig. 2) associated with the second beverage container storage (203, Fig. 2) location, and operation of the first indicator (1005, Fig. 10) is facilitated by the first reader (1011, Fig. 10) and operation of the second indicator (1005, Fig. 10) is facilitated by the second reader (1011, Fig. 10).

Consider claim 259, Kirshenbaum et al. clearly show and discloses an electrically operable ID device (1005, Fig. 10) for attachment to and or attached to a container of alcoholic beverage (1003, Fig. 10), wherein the container comprises a bottle (203, Fig. 2).

Consider claim 260, Kirshenbaum et al. clearly show and discloses the electrically operable ID device wherein the ID device (1005, fig. 10) is reversibly attachable to the container (1003, Fig. 10).

Consider claim 261, Kirshenbaum et al. clearly show and discloses an electrically operable ID device comprising: RFID device (1005, Fig. 10); and or device that transfers power

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and data over a single conductor (RFID reader) (1011, Fig. 10); and or a portable device comprising a power source (110, Fig. 1A) and an electrically illuminable (LCD) indicator (display) (111, Fig. 1A) selectively operable by wireless commands (407, Fig. 4).

Consider claim 262, Kirshenbaum et al. clearly show and discloses a portable container for storing a plurality of pieces of confectionery, the container comprising at least one electrically operable device [0049 lines 11-22].

Consider claim 267, Kirshenbaum et al. clearly show and discloses a system comprising a computer (control panel) (105, Fig. 1) and an electrically operable display (111, Fig. 2) attached to or arranged for attachment to a beverage drinking container (203, Fig. 2).

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 263-265 are rejected under 35 U.S.C. 102(b) as being anticipated by LeBlanc (US Patent # 6,375,043 B1).

Consider claim 263, LeBlanc clearly shows and disclose a system for preparing a mixed beverage from a plurality of distinct ingredients, said ingredients preferably including at least one alcoholic beverage (26 or 27, Fig. 3), wherein the system comprises an electronically controlled output signal (23d, Fig. 3) arranged to provide a person with information related to the amount of at least one ingredient to add during said preparation.

Consider claim 264, LeBlanc clearly shows and discloses the system for preparing a



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mixed beverage wherein the system is further arranged to facilitate activation of at least one electrically controlled indicator (LED display) (23d, Fig. 4) associable with a container storing said distinct ingredient, said association preferably by way of proximity to the container and or attachment to the container (Column 6 lines 13-16).

Consider claim 265, LeBlanc clearly shows and disclose a system for preparing a mixed beverage wherein the output signal comprises a visible signal (LED display) (23d, Fig. 7): with a computer (23c, Fig. 7) determined position relative to the container, and or associable with a level related to the container and or the container contents (Column 5 lines 66-67 and Column 6 lines 1-12).

### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 229 and 268 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirshenbaum et al. (Pub # US 2004/0148117 A1) as applied to claim 227 and 267 above, and further in view of LeBlanc (US Patent # 6,375,043 B1).

Consider claim 229, Kirshenbaum et al. teaches the similar invention, except the electrically operable system wherein the plural containers of alcoholic beverage comprise bottles of alcoholic mixer drinks for use in preparing an alcoholic cocktail, and a first bottle is stored at the first storage location and or a second bottle is stored at the second storage location, and

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activation of the first and or second output signal is a response to computer access to computer readable memory storing information related to said alcoholic cocktail.

In the same field of endeavor, LeBlanc teaches the electrically operable system (21, Fig. 3) wherein the plural containers (26 and 27, Fig. 3) of alcoholic beverage comprise bottles of alcoholic mixer drinks for use in preparing an alcoholic cocktail, and a first bottle (26, Fig. 3) is stored at the first storage location and or a second bottle (27, Fig. 3) is stored at the second storage location, and activation of the first and or second output signal is a response to computer access (23c, Fig. 7) to computer readable memory storing information related to said alcoholic cocktail (Column 7 lines 21-25) for the benefit of automatically preparing mix drink from the recipe stored in the memory.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the electrically operable system wherein the plural containers of alcoholic beverage comprise bottles of alcoholic mixer drinks for use in preparing an alcoholic cocktail, and a first bottle is stored at the first storage location and or a second bottle is stored at the second storage location, and activation of the first and or second output signal is a response to computer access to computer readable memory storing information related to said alcoholic cocktail as shown in LeBlanc, in Kirshenbaum et al. device for the benefit of automatically preparing mix drink from the recipe stored in the memory.

Consider claim 268, Kirshenbaum et al. teaches similar invention except the system comprising a computer and an electrically operable display further comprising one at least of: a visible output signal facilitating preparation of a mixed alcoholic drink; electronically output information related to a cocktail, and or cocktail ingredients and or cocktail mixing instructions;

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electronically output identifying information related to the consumer of a beverage in said container, and or the cumulative amount of alcohol consumed by said consumer, and or the alcohol content of a beverage presently stored in the container; temperature of a beverage stored in the container; electronically generated advertisement; electronically output result of a game of chance and or sporting game; an arrangement to electronically place a bet and or receive winnings; secure processing; an arrangement to electronically place an order for a beverage and or meal.

In the same field of endeavor, LeBlanc teaches the system comprising a computer and an electrically operable display further comprising one at least of: a visible output signal (LED display) (23d, Fig. 7) facilitating preparation of a mixed alcoholic drink; electronically output information related to a cocktail, and or cocktail ingredients and or cocktail mixing instructions (Column 5 lines 66-67 and Column 6 lines 1-12); electronically output identifying information related to the consumer of a beverage in said container, and or the cumulative amount of alcohol consumed by said consumer, and or the alcohol content of a beverage presently stored in the container; temperature of a beverage stored in the container; electronically generated advertisement; electronically output result of a game of chance and or sporting game; an arrangement to electronically place a bet and or receive winnings; secure processing; an arrangement to electronically place an order for a beverage and or meal for the benefit of providing status of each process.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system comprising a computer and an electrically operable display further comprising one at least of: a visible output signal facilitating preparation of a

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mixed alcoholic drink; electronically output information related to a cocktail, and or cocktail ingredients and or cocktail mixing instructions; electronically output identifying information related to the consumer of a beverage in said container, and or the cumulative amount of alcohol consumed by said consumer, and or the alcohol content of a beverage presently stored in the container; temperature of a beverage stored in the container; electronically generated advertisement; electronically output result of a game of chance and or sporting game; an arrangement to electronically place a bet and or receive winnings; secure processing; an arrangement to electronically place an order for a beverage and or meal as shown in LeBlanc, in Kirshenbaum et al. device for the benefit of providing status of each process.

19. Claim 241 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirshenbaum et al. (Pub # US 2004/0148117 A1) as applied to claim 227 above, and further in view of Vadjnia (Pub # US 2004/0243472 A1).

Consider claim 241, Kirshenbaum et al. teaches similar invention except the electrically operable system further comprising at least one of: modular expansion of container storage means, container storage control means, container information library, container information edit means, module spatial arrangement means, spatial receptacle library, receptacle constraints library, bottle usage constraints library, container receptacle graphical representation means, container occupancy detection means, receptacle stocking facilitation means, insertion initialization means, bar code input means, product constraint means, product information update means, image capture input means, data entry means, receptacle selection means, and or bottle rotation constraints.

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In the same field of endeavor, Vadjinia teaches the electrically operable system further comprising at least one of: modular expansion of container storage means, container storage control means, container information library, container information edit means, module spatial arrangement means, spatial receptacle library, receptacle constraints library, bottle usage constraints library, container receptacle graphical representation means, container occupancy detection means, receptacle stocking facilitation means, insertion initialization means, bar code input means, product constraint means, product information update means, image capture input means, data entry means, receptacle selection means, and or bottle rotation constraints [0078] for the benefit of providing flexibility to the storage unit.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the electrically operable system further comprising at least one of: modular expansion of container storage means, container storage control means, container information library, container information edit means, module spatial arrangement means, spatial receptacle library, receptacle constraints library, bottle usage constraints library, container receptacle graphical representation means, container occupancy detection means, receptacle stocking facilitation means, insertion initialization means, bar code input means, product constraint means, product information update means, image capture input means, data entry means, receptacle selection means, and or bottle rotation constraints as shown in Vadjinia, in Kirshenbaum et al. device for the benefit of providing flexibility to the storage unit.

20. Claim 245 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirshenbaum as applied to claim 227 above, and further in view of Cash (Pub # US 2004/0232092 A1).

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Consider claim 245, Kirshenbaum et al. teaches the similar invention, except the electrically operable system wherein user access to remove a stored container from and or to place a container to a storage location is restricted by an electrically operable barrier.

In the same field of endeavor, Cash teaches the electrically operable system wherein user access to remove a stored container from and or to place a container to a storage location is restricted by an electrically operable barrier [0036] for the benefit of providing restrict access to the system.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the electrically operable system wherein user access to remove a stored container from and or to place a container to a storage location is restricted by an electrically operable barrier as shown in Cash, in Kirshenbaum et al. device for the benefit of providing restrict access to the system.

21. Claim 266 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeBlanc (US Patent # 6,375,043 B1), and further in view of Kirshenbaum et al. (Pub # US 2004/0148117 A1).

Consider claim 266, LeBlanc teaches an electrically operable device for use with a portable container arranged to receive a consumable ingredient, said ingredient including a beverage, wherein said device is: responsive to information related to the amount of ingredient for adding to the container (Column 5 lines 66-67 and Column 6 lines 1-12), except arrange to activate a visible and or audible output signal related to a level to which to add said ingredient in the container; and wherein the output signal includes one at least of electronically controlled: i) sound and or visual signal activated in response to a weight of ingredient added to the container;

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ii) sound and or visual signal activated in response to a pressure exerted by a fluid in the container; iii) sound and or visual signal activated in response to an automatically detected level of ingredient in the container; iv) visible indicator located within the container; v) visible indicator attached to or embedded in the wall of the container; vi) visible indicator proximal to the outside of the container preferably arranged to be viewable through the wall of the container.

In the same field of endeavor, Kirshenbaum et al. teaches the device to arrange to activate a visible and or audible output signal related to a level to which to add said ingredient in the container; and wherein the output signal includes one at least of electronically controlled: i) sound and or visual signal activated in response to a weight of ingredient added to the container; ii) sound and or visual signal activated in response to a pressure exerted by a fluid in the container; iii) sound and or visual signal activated in response to an automatically detected level of ingredient in the container; iv) visible indicator located within the container; v) visible indicator attached to or embedded in the wall of the container; vi) visible indicator proximal to the outside of the container preferably arranged to be viewable through the wall of the container [0043] for the benefit of providing the voice commend and visual commend to the system.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the device to arrange to activate a visible and or audible output signal related to a level to which to add said ingredient in the container; and wherein the output signal includes one at least of electronically controlled: i) sound and or visual signal activated in response to a weight of ingredient added to the container; ii) sound and or visual signal activated in response to a pressure exerted by a fluid in the container; iii) sound and or visual signal activated in response to an automatically detected level of ingredient in the

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container; iv) visible indicator located within the container; v) visible indicator attached to or embedded in the wall of the container; vi) visible indicator proximal to the outside of the container preferably arranged to be viewable through the wall of the container as shown in Kirshenbaum et al., in LeBlanc device for the benefit of providing the voice command and visual command to the system.

### ***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Conroy (Pub # US 2003/0151335 A1) "Recessed bottle storage".
- b. Crisp, III (US Patent # 7,389,895 B2) "Drink supply canister having a drink supply outlet valve with a rotatable member".
- c. Leoni (US Patent # 6,607,013 B1) "Automatic bar".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JACK WANG** whose telephone number is **(571)272-1938**. The examiner can normally be reached on M-F 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system ([www.uspto.gov](http://www.uspto.gov)). Status information for



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/JKW/

/Daniel Wu/  
Supervisory Patent Examiner, Art Unit 2612